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Promotion and protection of the rights of children

Report of the Third Committee

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I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-first session the item entitled:

"Promotion and protection of the rights of children:

"(a) Promotion and protection of the rights of children;

"(b) Follow-up to the special session on children;"

and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 13th to 17th, 20th, 34th, 51st and 52nd meetings, from 11 to 13 and on 16, 17 and 30 October and 22 November 2006. At its 13th to 16th meetings, it held a general discussion on the item. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/61/SR.13-17, 20, 34, 51 and 52).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Committee on the Rights of the Child;[1]

(b) Report of the Secretary-General on the status of the convention on the Rights of the Child (A/61/207);

(c) Report of the Secretary-General on the follow-up to the special session of the General Assembly on children (A/61/270);

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 41* and corrigendum (A/61/41 and Corr.1).

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(d) Report of the Secretary-General on children and armed conflict (A/61/529-S/2006/826);

(e) Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/61/275 and Corr.1);

(f) Note by the Secretary-General transmitting the report of the independent expert for the United Nations study on violence against children (A/61/299);

(g) Letter dated 29 August 2006 from the representative of Uzbekistan addressed to the Secretary-General (A/61/303).

4. At the 13th meeting, on 11 October, the President of the General Assembly addressed the Committee (see A/C.3/61/SR.13).

5. At the same meeting, the Committee heard statements on the launch of the Secretary-General's in-depth study on violence against children by the Assistant Secretary-General and Political Director in the Executive Office of the Secretary-General, the independent expert directing the Secretary-General's in-depth study on violence against children, the Acting Director-General of the World Health Organization, the Executive Director of the United Nations Children's Fund and the Deputy Director of the New York Office of the United Nations High Commissioner for Human Rights (see A/C.3/61/SR.13).

6. Also at the same meeting, the Committee heard a statement by a youth participant (see A/C.3/61/SR.13).

7. At the same meeting, the Committee engaged in a question-and-answer dialogue with the above-mentioned presenters, in which the Crown Prince of Norway and the representatives of Senegal, Finland (on behalf of the States Members of the United Nations that are members of the European Union), Lebanon, Costa Rica, the Sudan, Brazil, Canada, Singapore, Cuba, Sierra Leone, Egypt, New Zealand, the Syrian Arab Republic, Japan, Côte d'Ivoire, Saudi Arabia, Thailand, the United States of America and Kenya took part (see A/C.3/61/SR.13).

8. Also at the same meeting, the observer for Palestine made a statement (see A/C.3/61/SR.13).

9. At the 14th meeting, on 12 October, the Special Representative of the Secretary-General for Children and Armed Conflict made an introductory statement (see A/C.3/61/SR.14).

10. At the same meeting, the Committee engaged in a question-and-answer dialogue with the Special Representative of the Secretary-General for Children and Armed Conflict, in which the representatives of the Sudan, Finland (on behalf of the States Members of the United Nations that are members of the European Union and associated countries), Thailand, Benin, France and Azerbaijan took part (see A/C.3/61/SR.14).

11. At the 15th meeting, on 13 October, the Chairperson of the Committee on the Rights of the Child made an oral report and replied to questions posed by the representative of Finland, on behalf of the States Members of the United Nations that are members of the European Union (see A/C.3/61/SR.15).

II. Consideration of proposals

A. Draft resolution A/C.3/61/L.12

12. At the 20th meeting, on 17 October, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and Palestine (on behalf of the States Members of the United Nations that are members of the Group of Arab States), introduced a draft resolution entitled "The situation of the Lebanese children" (A/C.3/61/L.12), which read:

"*The General Assembly*,

"*Reaffirming* the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and other human rights instruments,

"*Recalling* the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,

"*Recalling also* the Declaration and Plan of Action contained in the final document of the twenty-seventh special session of the General Assembly on children entitled "A world fit for children",

"*Guided* by relevant human rights instruments and international humanitarian law, in particular the Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land, which prohibit attacks against and the bombardment of civilian populations, and objects, and lay down obligations for general protection against dangers arising from military operations against civilian objects, hospitals, relief materials and means of transportation,

"*Recalling* the commitments of the High Contracting Parties to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

"*Stressing* that the right to life constitutes the most fundamental of all human rights,

"*Condemning* Israeli military operations in Lebanon, which constitute gross and consistent human rights violations of the Lebanese people,

"*Deeply concerned* about the impact of the latest Israeli invasion of Lebanon on the Lebanese children,

"1. *Strongly condemns* the grave Israeli violations of human rights and breaches of international humanitarian law in Lebanon;

"2. *Strongly condemns* also the attacks and unwarranted killing of Lebanese children by Israel during its last invasion of Lebanon, which resulted in the death of more than 1,100 civilians, one third of which were children;

"3. *Stresses* the right of and the need for Lebanese children to live a normal life, free from death, military invasions and destruction;

"4. *Expresses* deep concern about the negative consequences, including the mental and psychological health impact of the Israeli military actions on the well-being of Lebanese children;

"5. *Condemns* the deliberate use by Israel of cluster bombs in Lebanon, most of which were fired in the 72 hours immediately preceding the cessation of hostilities, which left over 1 million unexploded cluster bomblets that threaten the lives of Lebanese children and all other civilians, and adversely affect the early recovery efforts;

"6. *Calls upon* the international community urgently to provide the Government of Lebanon with financial assistance in support of the national early recovery and reconstruction process, including the rehabilitation of victims, the return of displaced persons and the restoration of the essential infrastructure."

13. At the 52nd meeting, on 22 November, the representative of Cuba made a statement in which he withdrew draft resolution A/C.3/61/L.12.

B. Draft resolution A/C.3/61/L.16 and Rev.1

14. At the 34th meeting, on 30 October, the representative of Uruguay, on behalf of Antigua and Barbuda, Argentina, Austria, the Bahamas, Barbados, Belize, Bolivia, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Cuba, the Czech Republic, Dominica, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Ireland, Jamaica, Latvia, Lithuania, Malta, Mexico, Monaco, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Slovakia, Slovenia, Spain, Suriname, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Rights of the child" (A/C.3/61/L.16). Subsequently, Albania, Andorra, Belarus, the Congo, Moldova and Morocco joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* its previous resolutions on the rights of the child, the most recent of which is resolution 60/231 of 23 December 2005, as well as its resolution 60/141 of 16 December 2005 and Commission on Human Rights resolution 2005/44 of 19 April 2005,

"*Emphasizing* that the Convention on the Rights of the Child must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention, as well as other human rights instruments,

"*Reaffirming* the Vienna Declaration and Programme of Action, the United Nations Millennium Declaration, the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children", the Copenhagen Declaration on Social Development and the Programme of Action, the Dakar Framework for Action adopted at the World

Education Forum, the Declaration on Social Progress and Development, the Universal Declaration on the Eradication of Hunger and Malnutrition and the Declaration on the Right to Development,

"*Recognizing* the importance of the integration of child rights issues into follow-up of the outcome documents of all major United Nations conferences, special sessions and summits,

"*Taking note with appreciation* of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly and on the status of the Convention on the Rights of the Child and the issues raised in Assembly resolution 60/231, as well as the report of the Chairman of the Committee on the Rights of the Child,

"*Reaffirming* that the best interests of the child shall be a primary consideration in all actions concerning children,

"*Recognizing* the importance of incorporating a child-protection perspective across the human rights agenda, as highlighted in the outcome of the 2005 World Summit,

"*Profoundly concerned* that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, displacement, violence, abuse, exploitation, trafficking in children and their organs, child prostitution, child pornography and child sex tourism, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

"*Reaffirming* the need for mainstreaming a gender perspective in all policies and programmes relating to children, and recognizing the child as a rights holder in all policies and programmes relating to children,

"I

"Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

"1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

"2. *Urges* States that have not yet done so to become parties to the Convention on the Rights of the Child and the Optional Protocols thereto as a matter of priority and to implement them fully by, inter alia, putting in place effective national legislation, policies and action plans, strengthening relevant governmental structures for children and ensuring adequate and systematic training in the rights of the child for professional groups working with and for children;

"3. *Urges* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing other reservations with a view to withdrawing them;

"4. *Welcomes* the work of the Committee on the Rights of the Child, and calls upon all States to strengthen their cooperation with the Committee, to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, and to take into account its recommendations on implementation of the Convention;

"5. *Requests* all relevant organs of the United Nations system and United Nations mechanisms regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff are trained in child rights matters, and calls upon States to continue to cooperate closely with all these mechanisms, in particular the special reporters and special representatives of the United Nations system;

"6. *Encourages* States to strengthen their national statistical capacities and to use statistics disaggregated, inter alia, by age, gender and other relevant factors that may lead to disparities and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

"II

"Promotion and protection of the rights of the child

"Registration, family relations and adoption

"7. *Once again urges* all States to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to preserve the child's identity, including nationality, name and family relations, as recognized by law, to allow for the registration of the child immediately after birth, to ensure that registration procedures are simple, expeditious and effective and provided at minimal or no cost and to raise awareness of the importance of birth registration at the national, regional and local levels;

"8. *Encourages* States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents or caregivers, recognizing that, where alternative care is necessary, family- and community-based care should be promoted over placement in institutions;

"9. *Calls upon* States to guarantee, to the extent consistent with the obligations of each State, the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

"10. *Also calls upon* States to address and pay particular attention to cases of international parental or familial child abduction, and encourages States to engage in multilateral and bilateral cooperation to resolve these cases, preferably by accession to the Hague Convention on the Civil Aspects of International Child Abduction, and to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

"11. *Further calls upon* States to take all necessary measures to prevent and combat illegal adoptions and all adoptions that are not in the best interests of the child;

"Economic and social well-being of children

"12. *Calls upon* States and the international community to create an environment in which the well-being of the child is ensured, inter alia, by:

"(a) Cooperating, supporting and participating in global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all these levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration, are realized within their time framework, reaffirming that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

"(b) Recognizing the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, ensuring that all children have access to education of good quality, as well as making secondary education generally available and accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion;

"(c) Taking all necessary measures to ensure the right of the child to the enjoyment of the highest attainable standard of health and developing sustainable health systems and social services, ensuring access to such systems and services without discrimination, paying particular attention to adequate food and nutrition and assigning priority to activities and programmes aimed at preventing addictions, in particular addiction to alcohol and tobacco, and the abuse of narcotic drugs, psychotropic substances and inhalants and by, inter alia, securing appropriate prenatal and post-natal care for mothers, including measures to prevent mother-to-child transmission of HIV;

"(d) Supporting adolescents to be able to deal positively and responsibly with their sexuality in order to protect themselves from HIV/AIDS infection and implementing measures to increase their capacity to protect themselves from HIV/AIDS through, inter alia, the provision of health care, including for sexual and reproductive health, and through preventive education that promotes gender equality;

"(e) Designing and implementing programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular by enabling them to continue and complete their education;

"*Violence against children*

"13. *Welcomes* the note by the Secretary-General transmitting the report of the independent expert for the United Nations study on violence against children and the participatory process through which the report was prepared, takes fully into account its recommendations, and encourages Member States and requests United Nations entities, regional entities and civil society to widely disseminate and follow up on the study;

"14. *Condemns*, and urges States to prohibit, all forms of violence against children, including physical, mental and sexual violence, torture, child abuse and exploitation, hostage-taking, domestic violence, trafficking in or sale of children and their organs, paedophilia, child prostitution, child pornography, child sex tourism, gang-related violence and harmful traditional practices in all settings, including the home, schools and other educational settings and institutions through care and justice systems;

"15. *Condemns* the abduction of children, in particular extortive abduction and abduction of children in situations of armed conflict, including for the recruitment and use of children in armed conflicts, and urges States to take all appropriate measures to secure their unconditional release, rehabilitation, reintegration and reunification with their families;

"16. *Urges* States:

"(a) To strengthen efforts to prevent and protect children from all forms of violence through a comprehensive approach and to develop a multifaceted and systematic framework to respond to violence against children which is integrated into national planning processes;

"(b) To strive to transform attitudes that condone or normalize any form of violence against children;

"(c) To end impunity for perpetrators of crimes against children, investigate and prosecute all acts of violence and impose appropriate penalties;

"(d) To protect children from all forms of violence or abuse by government officials, such as the police, law enforcement authorities and employees and officials in detention centres or welfare institutions;

"(e) To take measures to protect children from all forms of violence or abuse in schools, to promote constructive and positive forms of discipline and child development approaches and to establish complaint mechanisms that are age- and gender-appropriate and accessible to children, taking into account children's evolving capacities and the importance of respecting their views;

"(f) To ensure that all those who work with and for children protect children from bullying and implement preventive and anti-bullying policies;

"(g) To address the gender dimension of all forms of violence against children and incorporate a gender perspective in all policies adopted and actions taken to protect children against all forms of violence;

"(h) To strengthen international cooperation and mutual assistance to prevent and protect children from all forms of violence and to end impunity for crimes against children;

"17. *Recognizes* the contribution of the International Criminal Court in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes, and calls upon States not to grant amnesties for such crimes;

"18. *Calls upon* the relevant organizations of the United Nations system, in particular the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, the World Health Organization and the International Labour Organization, to explore ways and means, within their respective mandates, by which they can contribute more effectively to addressing the need to prevent and to respond to all forms of violence against children;

"*Non-discrimination*

"19. *Calls upon* all States to ensure the enjoyment by children of all their civil, political, economic, social and cultural rights without discrimination of any kind;

"20. *Notes with concern* the large number of children who are victims of racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, and calls upon States to provide special support and ensure equal access to services for all children;

"21. *Calls upon* States to take all necessary measures, including legal reforms where appropriate, to eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, marriage without the free and full consent of the intending spouses, early marriage and forced sterilization, by enacting and enforcing legislation and by formulating, where appropriate, comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to protect girls;

"22. *Also calls upon* States to take the necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and the private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and to develop and, where it already exists, to enforce legislation to prohibit discrimination against them in order to ensure their inherent dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

"Promoting and protecting the rights of children, including children in particularly difficult situations

"23. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary or summary executions, torture and all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of those children and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

"24. *Also calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to violence and risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, stressing the need for States as well as the international community to continue to pay more systematic and in-depth attention to the special assistance, protection and development needs of those children through, inter alia, programmes aimed at rehabilitation and physical and psychological recovery, and to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and family reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

"25. *Further calls upon* all States to ensure, for children belonging to minorities and vulnerable groups, including migrant children and indigenous children, the enjoyment of all human rights as well as access to health care, social services and education on an equal basis with others and to ensure that all such children, in particular victims of violence and exploitation, receive special protection and assistance;

"26. *Calls upon* all States to protect the inheritance and property rights of orphans in law and in practice, with particular attention to underlying gender-based discrimination, which may interfere with the fulfilment of these rights;

"27. *Also calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

"28. *Urges* all States that have not yet done so to consider signing and ratifying or acceding to the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the

Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization;

"29. *Calls upon* all States, in particular those States in which the death penalty has not been abolished:

"(a) To abolish by law, as soon as possible, the death penalty and life imprisonment without possibility of release for those below the age of 18 years at the time of the commission of the offence;

"(b) To comply with their obligations as assumed under relevant provisions of international human rights instruments, including the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights;

"(c) To keep in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and the guarantees set out in United Nations safeguards adopted by the Economic and Social Council;

"30. *Also calls upon* all States to ensure that no child in detention is sentenced to forced labour or any form of cruel or degrading punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training;

"31. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, considering, inter alia, views, skills and capacities that those children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

"*Prevention and eradication of the sale of children, child prostitution and child pornography*

"32. *Calls upon* all States:

"(a) To criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including all acts of paedophilia, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, trafficking in children, the sale of children and the use of the Internet for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

"(b) To ensure the prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country in which the crime was committed, in the country of which the offender is a national or resident, in the country of which the victim is a national or on any other basis permitted under domestic law, and for these purposes to afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings;

"(c) To criminalize and penalize effectively the sale of children and the transfer of organs of the child for profit, to increase cooperation at all levels to prevent and dismantle networks trafficking or selling children and their organs and, for those States that have not yet done so, to consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish

Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

"(d) In cases of trafficking in children, the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their safety and protection, physical and psychological recovery and full reintegration into society, including through bilateral and multilateral technical cooperation and financial assistance;

"(e) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

"(f) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, criminal or irresponsible adult sexual behaviour, child sex tourism, organized crime, harmful traditional practices, armed conflicts and trafficking in children;

"*Children affected by armed conflict*

"33. *Strongly condemns* any recruitment or use of children in armed conflict contrary to international law, as well as other violations and abuses committed against children affected by armed conflict, and urges all States and other parties to armed conflict that are engaged in such practices to end them;

"34. *Calls upon* States:

"(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into the national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

"(b) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, in particular through educational measures, taking into account the rights and the specific needs and capacities of girls;

"(c) To ensure timely and adequate funding for rehabilitation and reintegration efforts for all children affected by armed conflicts, particularly in support of national initiatives, to secure the long-term sustainability of such efforts;

"(d) To protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law and to ensure that they receive timely, effective humanitarian assistance, in accordance with international humanitarian law, including the Geneva

Conventions of 12 August 1949, and calls upon the international community to hold those responsible for violations accountable, inter alia, through the International Criminal Court;

"(e) To take all necessary measures, in accordance with international humanitarian law and human rights law, as a matter of priority, to prevent the recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of policies that do not tolerate the recruitment and use of children in armed conflict, and legal measures necessary to prohibit and criminalize such practices;

"35. *Welcomes* the valuable work of the United Nations Children's Fund, and looks forward to the results of updating the Cape Town principles and Best Practices adopted at the symposium on the prevention of recruitment of children into the armed forces and on demobilization and social integration of child soldiers in Africa, held in Cape Town, South Africa, from 27 to 30 April 1997;

"36. *Reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict;

"37. *Notes with appreciation* the steps undertaken regarding Security Council resolution 1612 (2005) and the efforts of the Secretary-General to implement the monitoring and reporting mechanism called for in that resolution, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, as well as the work carried out by United Nations child protection advisers in peacekeeping operations;

"38. *Welcomes* the appointment of Ms. Radhika Coomaraswamy as the Special Representative of the Secretary-General for Children and Armed Conflict, in accordance with General Assembly resolutions 51/77 of 12 December 1996 and 60/231, and recognizes the progress achieved since the establishment of the mandate of the Special Representative, as extended by resolution 60/231;

"39. *Takes note with appreciation* of the report of the Special Representative of the Secretary-General for Children and Armed Conflict;

"III
"Children and poverty

"40. *Reiterates* that eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, in particular for developing countries, and recognizes that chronic poverty remains the single biggest obstacle to meeting the needs and protecting and promoting the rights of children;

"41. *Recognizes* that the number of people living in extreme poverty in many countries continues to increase, with women and children constituting

the majority and the most affected groups, in particular in the least developed countries and in sub-Saharan Africa;

"42. *Also recognizes* that growing inequality within countries is a major challenge to poverty eradication, particularly affecting those living in middle-income countries, and stresses the need to support the development efforts of those countries;

"43. *Reaffirms* that democracy, development and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty;

"44. *Recognizes* that children living in poverty are deprived of nutrition, water and sanitation facilities, access to basic health-care services, shelter, education, participation and protection and that while a severe lack of goods and services hurts every human being, it is most threatening to children;

"45. *Emphasizes* the critical role of both formal and non-formal education, in particular basic education and training, especially for girls, in empowering those living in poverty;

"46. *Recognizes* the devastating effect of HIV/AIDS, malaria, tuberculosis and other infectious and contagious diseases on human development, economic growth, food security and poverty reduction efforts in all regions, in particular sub-Saharan Africa, and urges Governments and the international community to give urgent priority to combating those diseases;

"47. *Also recognizes* that countries struggle to develop when their citizens grow up malnourished, poorly educated or ravaged by disease, as these factors can perpetuate poverty and low productivity;

"48. *Reaffirms* that chronic poverty remains one of the biggest obstacles to meeting the needs and protecting and promoting the rights of children and that urgent national and international action is therefore required to eliminate it;

"49. *Also reaffirms* that the primary responsibility for ensuring an enabling environment for securing the well-being of children, in which the rights of each and every child are promoted and respected, rests with each individual country;

"50. *Calls upon* all States and the international community to mobilize all necessary resources, support and efforts to eradicate poverty, according to national plans and strategies and in consultation with national Governments, through an integrated and multifaceted approach based on the rights and well-being of children;

"51. *Further calls upon* all States and the international community, where appropriate:

"(a) To integrate the international obligations related to the rights and well-being of the child and the internationally agreed development goals, including the Millennium Development Goals, in national development strategies and plans, including the poverty reduction strategy papers where they exist, and calls upon the international community to continue to support

developing countries in the implementation of those development strategies and plans;

"(b) To work for a solid effort of national and international action to enhance children's health, to promote prenatal care and to lower infant and child mortality in all countries and among all peoples;

"(c) To promote the provision of clean water in all communities for all their children, as well as universal access to sanitation;

"(d) To take all necessary measures to eradicate hunger, malnutrition and famine;

"(e) To transfer the necessary additional resources to developing countries through the coherent mobilization of all sources of financing for development, including domestic resources, international investment flows, official development assistance and external debt relief, and to commit themselves to a universal, open, equitable, rule-based, predictable and non-discriminatory global trading system in order to stimulate development worldwide to ensure the well-being of the most vulnerable sectors of the populations, in particular children;

"**Follow-up**

"52. *Decides*:

"(a) To request the Secretary-General to submit to the General Assembly at its sixty-second session a report on the rights of the child, containing information on the status of the Convention on the Rights of the Child and the issues contained in the present resolution;

"(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the progress achieved and remaining challenges on the children and armed conflict agenda;

"(c) To invite the independent expert for the United Nations study on violence against children, in consultation with Member States, relevant organizations and bodies of the United Nations system, in particular the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, the World Health Organization, the International Labour Organization and the Committee on the Rights of the Child, and regional organizations, national institutions and non-governmental organizations to promote the wide dissemination of the United Nations study on violence against children, to support the effective follow-up to its recommendations with an integrated approach that bridges the dimensions of public health, child protection and human rights, to submit to the General Assembly at its sixty-second session a report on progress made in the initial phase of the follow-up and to anticipate the necessary strategy for follow-up to the implementation of the study;

"(d) To reiterate its invitation to the Chairman of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-second session as a way to enhance communication between the Assembly and the Committee;

"(e) To pay particular attention to the protection of and the rights of children living in poverty at the commemorative plenary meeting to be held in 2007 devoted to the follow-up to the outcome of the twenty-seventh special session of the General Assembly;

"(f) To continue its consideration of this question at its sixty-second session under the item entitled 'Promotion and protection of the rights of children', focusing on the theme 'Violence against children'."

15. At its 51st meeting, on 22 November, the Committee had before it a revised draft resolution (A/C.3/61/L.16/Rev.1), submitted by the sponsors of draft resolution A/C.3/61/L.16 and Algeria, Angola, Armenia, Australia, Azerbaijan, Belgium, Bosnia and Herzegovina, Burkina Faso, Canada, Cape Verde, Côte d'Ivoire, Croatia, Cyprus, Denmark, France, Germany, Greece, Iceland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Liechtenstein, Luxembourg, Malawi, Mauritania, Mauritius, Namibia, Nepal, the Netherlands, New Zealand, Nigeria, Norway, the Russian Federation, San Marino, Senegal, Serbia, South Africa, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Turkmenistan and the United Republic of Tanzania. Subsequently, Benin, Burundi, the Democratic Republic of the Congo, Eritrea, Ethiopia, Fiji, the Gambia, Ghana, Liberia, Madagascar, Mali, Mongolia, Mozambique, the Philippines, Rwanda, Swaziland and Uzbekistan joined in sponsoring the draft resolution.

16. At the same meeting, the Committee was advised that the draft resolution had no programme budget implications.

17. Also at its 51st meeting, the Committee adopted revised draft resolution A/C.3/61/L.16/Rev.1 by a recorded vote of 176 to 1 (see para. 20). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia,

Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

18. After the vote, statements were made by the representatives of Japan, the Sudan, the Syrian Arab Republic, Sri Lanka, Finland (on behalf of the States Members of the United Nations that are members of the European Union and associated countries), Uruguay (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States) and Singapore (see A/C.3/61/SR.51).

C. Draft decision proposed by the Chairman

19. At its 52nd meeting, on 22 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the report of the Committee on the Rights of the Child (see para. 21).[1]

III. Recommendation of the Third Committee

20. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Rights of the child

The General Assembly,

Recalling its previous resolutions on the rights of the child, the most recent of which is resolution 60/231 of 23 December 2005, and its resolution 60/141 of 16 December 2005, as well as Commission on Human Rights resolution 2005/44 of 19 April 2005,[1]

Emphasizing that the Convention on the Rights of the Child[2] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention,[3] as well as other human rights instruments,

Reaffirming the Vienna Declaration and Programme of Action,[4] the United Nations Millennium Declaration[5] and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",[6] and recalling the Copenhagen Declaration on Social Development and the Programme of Action,[7] the Dakar Framework for Action adopted at the World Education Forum,[8] the Declaration on Social Progress and Development,[9] the Universal Declaration on the Eradication of Hunger and Malnutrition[10] and the Declaration on the Right to Development,[11]

Recognizing the importance of the integration of child rights issues into follow-up of the outcome documents of all major United Nations conferences, special sessions and summits,

Taking note with appreciation of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly[12] and on the status of the Convention on the Rights of the Child and the issues raised in Assembly

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[3] Ibid., vol. 2171, No. 27531; and ibid., vol. 2173, No. 27531.

[4] A/CONF.157/24 (Part I), chap. III.

[5] See resolution 55/2.

[6] Resolution S-27/2, annex.

[7] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[8] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

[9] See resolution 2542 (XXIV).

[10] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[11] Resolution 41/128, annex.

[12] A/61/270.

resolution 60/231,[13] as well as the report of the Chairman of the Committee on the Rights of the Child,

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

Recognizing the importance of incorporating a child-protection perspective across the human rights agenda, as highlighted in the outcome of the 2005 World Summit,

Taking note with appreciation of the attention paid to children in the draft Convention on the Rights of Persons with Disabilities[14] and in the International Convention for the Protection of All Persons from Enforced Disappearance,[15]

Profoundly concerned that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, foreign occupation, displacement, violence, terrorism, abuse, exploitation, trafficking in children and their organs, child prostitution, child pornography and child sex tourism, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Reaffirming the need for mainstreaming a gender perspective in all policies and programmes relating to children, and recognizing the child as a rights holder in all policies and programmes relating to children,

I
Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

2. *Urges* States that have not yet done so to become parties to the Convention on the Rights of the Child[2] and the Optional Protocols thereto[3] as a matter of priority and to implement them fully by, inter alia, putting in place effective national legislation, policies and action plans, strengthening relevant governmental structures for children and ensuring adequate and systematic training in the rights of the child for professional groups working with and for children;

3. *Urges* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing other reservations with a view to withdrawing them;

4. *Welcomes* the work of the Committee on the Rights of the Child, and calls upon all States to strengthen their cooperation with the Committee, to comply

[13] A/61/207.

[14] See A/61/611.

[15] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), chap. II A, resolution 1/1.

in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, and to take into account its recommendations on implementation of the Convention;

5. *Requests* all relevant organs and mechanisms of the United Nations system regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff are trained in child rights matters, and calls upon States to continue to cooperate closely with all those organs and mechanisms, in particular the special rapporteurs and special representatives of the United Nations system;

6. *Encourages* States to strengthen their national statistical capacities and to use statistics disaggregated, inter alia, by age, gender and other relevant factors that may lead to disparities and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

II
Promotion and protection of the rights of the child

Registration, family relations and adoption or other forms of alternative care

7. *Once again urges* all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to preserve the child's identity, including nationality, name and family relations, as recognized by law, to allow for the registration of the child immediately after birth, to ensure that registration procedures are simple, expeditious and effective and provided at minimal or no cost and to raise awareness of the importance of birth registration at the national, regional and local levels;

8. *Encourages* States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents or caregivers, recognizing that, where alternative care is necessary, family- and community-based care should be promoted over placement in institutions;

9. *Calls upon* States to guarantee, to the extent consistent with the obligations of each State, the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing enforceable means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

10. *Also calls upon* States to address and pay particular attention to cases of international parental or familial child abduction, and encourages States to engage in multilateral and bilateral cooperation to resolve these cases, preferably by accession to or ratification of the Hague Convention on the Civil Aspects of International Child Abduction,[16] and therefore to be in full compliance with the Convention, and to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

[16] United Nations, *Treaty Series*, vol. 1343, No. 22514.

11. *Further calls upon* States to take all necessary measures to prevent and combat illegal adoptions and all adoptions that are not in the best interests of the child;

Economic and social well-being of children

12. *Calls upon* States and the international community to create an environment in which the well-being of the child is ensured, inter alia, by:

(a) Cooperating, supporting and participating in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all these levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration,[5] are realized within their time framework, and reaffirming that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

(b) Recognizing the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, ensuring that all children have access to education of good quality, as well as making secondary education generally available and accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and ensuring school attendance, in particular for girls and children from low-income families;

(c) Taking all necessary measures to ensure the right of the child to the enjoyment of the highest attainable standard of health and developing sustainable health systems and social services, ensuring access to such systems and services without discrimination, paying special attention to adequate food and nutrition, to the special needs of adolescents and to reproductive and sexual health, and securing appropriate prenatal and post-natal care for mothers, including measures to prevent mother-to-child transmission of HIV;

(d) Assigning priority to developing and implementing activities and programmes aimed at treating and preventing addictions, in particular addiction to alcohol and tobacco, and the abuse of narcotic drugs, psychotropic substances and inhalants;

(e) Supporting adolescents so that they are able to deal positively and responsibly with their sexuality in order to protect themselves from HIV/AIDS infection and implementing measures to increase their capacity to protect themselves from HIV/AIDS through, inter alia, the provision of health care, including for sexual and reproductive health, and through preventive education that promotes gender equality;

(f) To put in place strategies, policies and programmes that identify and address those factors that make individuals particularly vulnerable to HIV infection in order to complement prevention programmes that address activities that place individuals at risk for HIV infection, such as risky and unsafe behaviour and injecting drug use;

(g) Designing and implementing programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular by enabling them to continue and complete their education;

Violence against children

13. *Welcomes* the Secretary-General's study on violence against children,[17] led by the independent expert for the study, takes fully into account its recommendations, and encourages Member States and requests United Nations entities, regional organizations and civil society, including non-governmental organizations, to widely disseminate and follow up on the study;

14. *Commends* the independent expert for the participatory process through which the report was prepared in close collaboration with Member States, United Nations bodies and organizations, other relevant intergovernmental organizations and civil society, including non-governmental organizations, and in particular for the unprecedented level and quality of participation by children;

15. *Condemns* all forms of violence against children, and urges States to take effective legislative and other measures to prevent and eliminate all such violence, including physical, mental, psychological and sexual violence, torture, child abuse and exploitation, hostage-taking, domestic violence, trafficking in or sale of children and their organs, paedophilia, child prostitution, child pornography, child sex tourism, gang-related violence and harmful traditional practices in all settings;

16. *Also condemns* the abduction of children, in particular extortive abduction and abduction of children in situations of armed conflict, including for the recruitment and use of children in armed conflicts, and urges States to take all appropriate measures to secure their unconditional release, rehabilitation, reintegration and reunification with their families;

17. *Urges* States:

(a) To strengthen efforts to prevent and protect children from all forms of violence through a comprehensive approach and to develop a multifaceted and systematic framework which is integrated into national planning processes, to respond to violence against children, including by giving priority attention to prevention and addressing its underlying causes;

(b) To strive to change attitudes that condone or normalize any form of violence against children;

(c) To end impunity for perpetrators of crimes against children, investigate and prosecute such acts of violence and impose appropriate penalties;

(d) To protect children from all forms of violence or abuse by government officials, such as the police, law enforcement authorities and employees and officials in detention centres or welfare institutions;

(e) To take measures to protect children from all forms of physical and mental violence and abuse in schools, including by using non-violent teaching and learning strategies and adopting classroom management and disciplinary measures that are not based on any form of cruel or degrading punishment, and to establish complaint mechanisms that are age- and gender-appropriate and accessible to

[17] See A/61/299.

children, taking into account children's evolving capacities and the importance of respecting their views;

(f) To take measures to promote constructive and positive forms of discipline and child development approaches in all settings, including the home, schools and other educational settings and throughout care and justice systems;

(g) To take measures to ensure that all those who work with and for children protect children from bullying and implement preventive and anti-bullying policies;

(h) To address the gender dimension of all forms of violence against children and incorporate a gender perspective in all policies adopted and actions taken to protect children against all forms of violence;

(i) To ensure national research and documentation to identify vulnerable groups of children, inform policy and programmes at all levels and track progress and best practices towards preventing all forms of violence against children;

(j) To strengthen international cooperation and mutual assistance to prevent and protect children from all forms of violence and to end impunity for crimes against children;

18. *Recognizes* the contribution of the International Criminal Court in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes, and calls upon States not to grant amnesties for such crimes;

19. *Calls upon* the relevant organizations of the United Nations system, in particular the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, the World Health Organization, the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the United Nations Office on Drugs and Crime and the Division for the Advancement of Women of the Secretariat, to explore ways and means, within their respective mandates, by which they can contribute more effectively to addressing the need to prevent and to respond to all forms of violence against children;

Non-discrimination

20. *Calls upon* all States to ensure the enjoyment by children of all their civil, political, economic, social and cultural rights without discrimination of any kind;

21. *Notes with concern* the large number of children who are victims of racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, and calls upon States to provide special support and ensure equal access to services for all children;

22. *Calls upon* States to take all necessary measures, including legal reforms where appropriate, to eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, marriage without the free and full consent of the intending

spouses, early marriage and forced sterilization, by enacting and enforcing legislation and by formulating, where appropriate, comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to protect girls;

23. *Also calls upon* States to take the necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and the private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and to develop and, where it already exists, to enforce legislation to prohibit discrimination against them in order to ensure their inherent dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

Promoting and protecting the rights of children, including children in particularly difficult situations

24. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary or summary executions, torture and all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of those children and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

25. *Also calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to violence and risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, stressing the need for States as well as the international community to continue to pay more systematic and in-depth attention to the special assistance, protection and development needs of those children through, inter alia, programmes aimed at rehabilitation and physical and psychological recovery, and to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and family reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

26. *Further calls upon* all States to ensure, for children belonging to minorities and vulnerable groups, including migrant children and indigenous children, the enjoyment of all human rights as well as access to health care, social services and education on an equal basis with others and to ensure that all such children, in particular victims of violence and exploitation, receive special protection and assistance;

27. *Calls upon* all States to address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV, by providing support and rehabilitation to those children and their families, women and the elderly, particularly in their role as caregivers, promoting child-oriented HIV/AIDS policies and programmes and increased protection for children orphaned and affected by HIV/AIDS, ensuring access to treatment and intensifying efforts to develop new treatments for children, and building, where needed, and supporting the social security systems that protect them;

28. *Also calls upon* all States to protect, in law and in practice, the inheritance and property rights of orphans, with particular attention to underlying gender-based discrimination, which may interfere with the fulfilment of these rights;

29. *Further calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

30. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization to consider doing so;

31. *Calls upon* all States, in particular those States in which the death penalty has not been abolished:

(a) To abolish by law, as soon as possible, the death penalty and life imprisonment without possibility of release for those under the age of 18 years at the time of the commission of the offence;

(b) To comply with their obligations as assumed under relevant provisions of international human rights instruments, including the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights;[18]

(c) To keep in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and the guarantees set out in United Nations safeguards adopted by the Economic and Social Council;

32. *Also calls upon* all States to ensure that no child in detention is sentenced to forced labour or any form of cruel or degrading punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training;

33. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, considering, inter alia, views, skills and capacities that those children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

Prevention and eradication of the sale of children, child prostitution and child pornography

34. *Calls upon* all States:

(a) To criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including all acts of paedophilia, including within the

[18] See resolution 2200 A (XXI), annex.

family or for commercial purposes, child pornography and child prostitution, child sex tourism, trafficking in children, the sale of children and the use of the Internet for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

(b) To ensure the prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country in which the crime was committed, in the country of which the offender is a national or resident, in the country of which the victim is a national, or on any other basis permitted under domestic law, and for these purposes to afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings;

(c) To criminalize and penalize effectively the sale of children, including for the purposes of transfer of organs of the child for profit, to increase cooperation at all levels to prevent and dismantle networks trafficking or selling children and their organs and, for those States that have not yet done so, to consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;[19]

(d) In cases of trafficking in children, the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their safety and protection, physical and psychological recovery and full reintegration into society, including through bilateral and multilateral technical cooperation and financial assistance;

(e) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

(f) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, criminal or irresponsible adult sexual behaviour, child sex tourism, organized crime, harmful traditional practices, armed conflicts and trafficking in children;

Children affected by armed conflict

35. *Strongly condemns* any recruitment or use of children in armed conflict contrary to international law, as well as other violations and abuses committed against children affected by armed conflict, and urges all States and other parties to armed conflict that are engaged in such practices to end them;

36. *Calls upon* States:

(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,[20] to raise the minimum age for voluntary recruitment of persons into the national armed forces from that set

[19] Resolution 55/25, annex II.

[20] United Nations, *Treaty Series*, vol. 2173, No. 27531.

out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(b) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, in particular through educational measures, taking into account the rights and the specific needs and capacities of girls;

(c) To ensure timely and adequate funding for rehabilitation and reintegration efforts for all children associated with armed forces and groups, particularly in support of national initiatives, to secure the long-term sustainability of such efforts;

(d) To encourage the involvement of young people in activities concerning the protection of children affected by armed conflict, including programmes for reconciliation, peace consolidation, peacebuilding and children-to-children networks;

(e) To protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law and to ensure that they receive timely, effective humanitarian assistance, in accordance with international humanitarian law, including the Geneva Conventions of 12 August 1949,[21] and calls upon the international community to hold those responsible for violations accountable, inter alia, through the International Criminal Court;

(f) To take all necessary measures, in accordance with international humanitarian law and human rights law, as a matter of priority, to prevent the recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of policies that do not tolerate the recruitment and use of children in armed conflict, and legal measures necessary to prohibit and criminalize such practices;

37. *Welcomes* the valuable work of the United Nations Children's Fund, and looks forward to the results of updating the Cape Town principles on child soldiers;

38. *Reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict;

39. *Notes with appreciation* the steps taken regarding Security Council resolution 1612 (2005) of 26 July 2005 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with that resolution, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, as well as the work carried out by United Nations child protection advisers in peacekeeping operations;

40. *Welcomes* the appointment of Ms. Radhika Coomaraswamy as the Special Representative of the Secretary-General for Children and Armed Conflict,

[21] Ibid., vol. 75, Nos. 970-973.

pursuant to General Assembly resolutions 51/77 of 12 December 1996 and 60/231, and recognizes the progress achieved since the establishment of the mandate of the Special Representative, as extended by resolution 60/231;

41. *Takes note with appreciation* of the report of the Special Representative of the Secretary-General for Children and Armed Conflict;[22]

III
Children and poverty

42. *Reiterates* that eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, in particular for developing countries, and recognizes that chronic poverty remains the single biggest obstacle to meeting the needs and protecting and promoting the rights of children, and that urgent national and international action is therefore required to eliminate it;

43. *Recognizes* that the number of people living in extreme poverty in many countries continues to increase, with women and children constituting the majority and the most affected groups, in particular in the least developed countries and in sub-Saharan Africa;

44. *Also recognizes* that growing inequality within countries is a major challenge to poverty eradication, particularly affecting those living in middle-income countries, and stresses the need to support the development efforts of those countries;

45. *Reaffirms* that democracy, development, peace and security, and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty;

46. *Recognizes* that children living in poverty are deprived of nutrition, water and sanitation facilities, access to basic health-care services, shelter, education, participation and protection, and that while a severe lack of goods and services hurts every human being, it is most threatening and harmful to children, leaving them unable to enjoy their rights, to reach their full potential and to participate as full members of society;

47. *Emphasizes* the critical role of education, both formal and non-formal, in particular basic education and training, especially for girls, in empowering those living in poverty, and in this regard reaffirms the importance of Education for All programmes and the need to bridge the divide between formal and non-formal education, taking into account the need to ensure the good quality of educational services;

48. *Recognizes* the devastating effect of HIV/AIDS, malaria, tuberculosis and other infectious and contagious diseases on human development, economic growth, food security and poverty eradication efforts in all regions, in particular in the least developed countries and in sub-Saharan Africa, and urges Governments and the international community to give urgent priority to preventing and combating those diseases;

[22] A/61/275 and Corr.1.

49. *Also recognizes* that countries struggle to develop when their children grow up malnourished, poorly educated or ravaged by disease, as these factors can perpetuate the generational cycle of poverty;

50. *Reaffirms* that the primary responsibility for ensuring an enabling environment for securing the well-being of children, in which the rights of each and every child are promoted and respected, rests with each individual State;

51. *Calls upon* all States and the international community to mobilize all necessary resources, support and efforts to eradicate poverty, according to national plans and strategies and in consultation with national Governments, including through an integrated and multifaceted approach based on the rights and well-being of children;

52. *Also calls upon* all States, and the international community, where appropriate:

(a) To integrate the international obligations related to the rights and well-being of the child and the internationally agreed development goals, including the Millennium Development Goals, in national development strategies and plans, including the poverty reduction strategy papers where they exist, and calls upon the international community to continue to support developing countries in the implementation of those development strategies and plans;

(b) To ensure a continuum of care from pregnancy through childhood, recognizing that maternal, newborn and child health are inseparable and interdependent, and that the achievement of the Millennium Development Goals must be based on a strong commitment to the rights of women, children and adolescents;

(c) To work for a solid effort of national and international action to enhance children's health, to promote prenatal care and to lower infant and child mortality in all countries and among all peoples;

(d) To develop a national strategy of prevention and treatment to effectively address the condition of obstetric fistula and to further develop a multisectoral, comprehensive and integrated approach to bring about lasting solutions and a meaningful response to the problem of obstetric fistula and related morbidities;

(e) To promote the provision of clean water in all communities for all their children, as well as universal access to sanitation;

(f) To take all necessary measures to eradicate hunger, malnutrition and famine;

(g) To mobilize the necessary additional resources from all sources of financing for development, including domestic resources, international investment flows, official development assistance and external debt relief, and to commit themselves to a universal, open, equitable, rule-based, predictable and non-discriminatory global trading system in order to stimulate development worldwide to ensure the well-being of the most vulnerable sectors of populations, in particular children;

Follow-up

53. *Decides*:

(a) To request the Secretary-General to submit to the General Assembly at its sixty-second session a report on the rights of the child, containing information on the status of the Convention on the Rights of the Child and the issues contained in the present resolution;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the progress achieved and the remaining challenges on the children and armed conflict agenda;

(c) To invite the independent expert for the United Nations study on violence against children, in cooperation with Member States, relevant organizations and bodies of the United Nations system, in particular the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, the World Health Organization, the Committee on the Rights of the Child and the Human Rights Council, and regional organizations, national institutions and civil society, including non-governmental organizations, to promote the wide dissemination of the United Nations study on violence against children, to give support to the first year of effective follow-up to its recommendations with an integrated approach that bridges the dimensions of public health, education, child protection and human rights, to submit to the General Assembly at its sixty-second session a report on progress made in the initial phase of the follow-up and to anticipate the necessary strategy for follow-up to the implementation of the study;

(d) To reiterate its invitation to the Chairman of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-second session as a way to enhance communication between the Assembly and the Committee;

(e) To pay particular attention to the protection of and the rights of children living in poverty at the commemorative plenary meeting to be held in 2007 devoted to the follow-up to the outcome of the twenty-seventh special session of the General Assembly;

(f) To continue its consideration of this question at its sixty-second session under the item entitled "Promotion and protection of the rights of children", focusing section III of the resolution on the rights of the child on "Violence against children".

21. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Report of the Committee on the Rights of the Child

The General Assembly takes note of the report of the Committee on the Rights of the Child.[1]

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 41* and corrigendum (A/61/41 and Corr.1).

United Nations A/61/440

General Assembly

Distr.: General
28 November 2006

Original: English

Sixty-first session
Agenda item 64 (a) and (b)

Indigenous issues

Report of the Third Committee

Rapporteur: Ms. Elena **Molaroni** (San Marino)

I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-first session the item entitled: "Indigenous issues:

"(a) Indigenous issues;

"(b) Second International Decade of the World's Indigenous People"

and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 18th, 19th and 48th meetings on 16 and 17 October and 17 November 2006. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/61/SR.18, 19 and 48).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Populations (A/61/376);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/61/490).

4. At the 18th meeting, on 16 October, the Under-Secretary-General for Economic and Social Affairs made an introductory statement and responded to a query made by the representative of Cuba (see A/C.3/61/SR.18).

06-55008 (E) 071206

5. At the same meeting, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people made a presentation and engaged in a question-and-answer session with the representatives of Ecuador, Finland (on behalf of States Members of the United Nations that are members of the European Union), Norway and New Zealand (see A/C.3/61/SR.18).

II. Consideration of a draft decision proposed by the Chairman

6. At its 48th meeting, on 17 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the following documents (see para. 7):

(a) Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Populations (A/61/376);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/61/490).

III. Recommendation of the Third Committee

7. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with indigenous issues

The General Assembly decides to take note of following documents:

(a) Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Populations;[1]

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.[2]

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[1] A/61/376.

[2] A/61/490.

United Nations A/61/441

General Assembly

Distr.: General
29 November 2006

Original: English

Sixty-first session
Agenda item 65

Elimination of racism and racial discrimination

Report of the Third Committee

Rapporteur: Ms. Elena **Molaroni** (San Marino)

I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-first session the item entitled:

> "Elimination of racism and racial discrimination:
>
> "(a) Elimination of racism and racial discrimination;
>
> "(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action"

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on agenda item 65 jointly with item 66 at its 38th to 40th meetings, on 6 and 7 November 2006, and considered proposals and took action on item 65 at its 45th, 46th, 48th, 50th and 51st meetings, on 13, 16, 17, 21 and 22 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/61/SR.38-40, 45, 46, 48, 50 and 51).

3. For its consideration of the item, the Committee had before it the following documents:

Item 65 (a)
Elimination of racism and racial discrimination

Report of the Committee on the Elimination of Racial Discrimination[1]

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 18* (A/61/18).

06-55014 (E) 121206

Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/61/186)

Report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/61/260)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/61/335)

Item 65 (b)
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/61/337)

4. At the 38th meeting, on 6 November, the Officer-in-Charge of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/61/SR.38).

5. At the same meeting, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made an introductory statement under sub-item (a). The Committee engaged in a question-and-answer session with the Special Rapporteur, in which the representatives of the Syrian Arab Republic, Finland (on behalf of the States Members of the United Nations that are members of the European Union), Saudi Arabia, the Russian Federation, Japan, Cuba, Egypt, the Libyan Arab Jamahiriya, Jamaica, Switzerland, Peru and Barbados took part (see A/C.3/61/SR.38).

II. Consideration of proposals

A. Draft resolution A/C.3/61/L.48

6. At the 45th meeting on 13 November, the representative of the Russian Federation, on behalf of Belarus, Cuba, Kazakhstan, Kyrgyzstan, the Russian Federation, South Africa, the Sudan, Tajikistan, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of) and Zimbabwe, introduced a draft resolution entitled "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" (A/C.3/61/L.48) and orally revised operative paragraph 1 by replacing the words "violent nationalist prejudice" with the words "violent nationalist ideologies based on racial and national prejudice". Subsequently, Benin, the Central African Republic, Ethiopia and Nigeria joined in sponsoring the draft resolution.

7. At its 46th meeting, on 16 November, the Committee was advised that the draft resolution had no programme budget implications.

8. At the same meeting, the representative of the Russian Federation made a statement (see A/C.3/61/SR.46).

9. Also at the same meeting, the representative of the United States of America made a statement and requested a recorded vote on the draft resolution (see A/C.3/61/SR.46).

10. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/61/L.48, as orally revised by a recorded vote of 107 to 3, with 53 abstentions (see para. 23, draft resolution I). The voting was as follows: [2]

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Singapore, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Japan, Micronesia (Federated States of), United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Nepal, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania.

11. Before the adoption of the draft resolution, statements were made by the representatives of Finland (on behalf of the States Members of the United Nations that are members of the European Union), after the adoption of the draft resolution, statements were made by the representatives of Japan, Costa Rica and Qatar (see A/C.3/61/SR.46).

[2] The delegation of Mauritania subsequently indicated that it had intended to vote in favour, and the delegation of Ukraine indicated that, had it been present, it would have abstained.

B. Draft resolution A/C.3/61/L.49

12. At the 45th meeting, on 13 November, the representative of Belgium, on behalf of Albania, Argentina, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Moldova, Monaco, Namibia, the Netherlands, Pakistan, Panama, Poland, Portugal, the Republic of Korea, Romania, Rwanda, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "International Convention on the Elimination of All Forms of Racial Discrimination" (A/C.3/61/L.49). Subsequently, Andorra, Angola, Armenia, Azerbaijan, Bangladesh, Benin, Bolivia, Cameroon, Cape Verde, the Central African Republic, China, the Congo, Costa Rica, Côte d'Ivoire, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, Guatemala, Honduras, Kazakhstan, Kenya, Lesotho, Liechtenstein, Madagascar, Mauritania, Morocco, Nigeria, Norway, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sri Lanka, South Africa, Thailand, Timor-Leste, Uzbekistan, Ukraine, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe joined in sponsoring the draft resolution.

13. At its 48th meeting, on 17 November, the Committee was advised that the draft resolution had no programme budget implications.

14. At the same meeting, the representative of Slovenia orally revised the draft resolution as follows:

(a) Operative paragraph 2, which read:

"2. *Commends* the Committee for its contributions to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, especially through the examination of reports under article 9 of the Convention, action on communications under article 14 of the Convention, early warning measures and urgent procedures and thematic discussions on issues such as the prevention of genocide, which contribute to the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance",

was replaced by:

"2. *Commends* the Committee for its contributions to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, especially through the examination of reports under article 9 of the Convention, action on communications under article 14 of the Convention and thematic discussions, which contribute to the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance";

(b) At the end of operative paragraph 18, the words "one hundred and seventy-two" were replaced by the words "one hundred and seventy-three";

(c) In operative paragraph 24, at the end of the sentence, the words "under the item entitled 'Elimination of racism and racial discrimination'" were added.

15. At the same meeting, the Committee adopted draft resolution A/C.3/61/L.49, as orally revised, without a vote (see para. 23, draft resolution II).

16. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/61/SR.48).

C. Draft resolution A/C.3/61/L.53 and Rev.1

17. At the 45th meeting, on 13 November, the representative of South Africa, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/C.3/61/L.53). Subsequently, the Russian Federation joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* its resolution 60/144 of 16 December 2005, in which it reiterated its firm commitment to continue its global efforts towards the total elimination of the scourges of racism, racial discrimination, xenophobia and related intolerance, and towards the effective and comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action,

"*Recalling also* its resolution 59/177 of 20 December 2004, in which it firmly consolidated the global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance and recognized the absolute necessity and the imperative nature of the political will for the achievement of the commitments undertaken in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,

"*Recalling further* its resolution 58/160 of 22 December 2003, in which it decided to place emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism,

"*Recalling* its resolution 57/195 of 18 December 2002, in which it outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights, and its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

"*Reiterating* that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and

must be rejected, together with theories that attempt to determine the existence of separate human races,

"*Convinced* that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

"*Welcoming* Human Rights Council resolution 1/5 of 29 June 2006 entitled 'Intergovernmental Working Group of the Durban Declaration and Programme of Action',

"*Taking note* of Commission on Human Rights resolutions 2002/68 of 25 April 2002, 2003/30 of 23 April 2003, 2004/88 of 22 April 2004 and 2005/64 of 20 April 2005, by which the international community put into effect mechanisms for the effective implementation of the Durban Declaration and Programme of Action,

"*Underlining* the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

"*Alarmed* at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

"*Underlining* the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

"*Welcoming* the interim report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

"*Taking note* of the report of the Secretary-General,

"I

"**Basic general principles**

"1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

"2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including

related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

"3. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting victims;

"4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

"5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

"6. *Recognizes also* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent, or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

"7. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

"8. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

"9. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

"10. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action, in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

"11. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, civilizations, religions, peoples and countries;

"12. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

"II
"**International Convention on the Elimination of All Forms of Racial Discrimination**

"13. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for the promotion of equality and non-discrimination in the world;

"14. *Reiterates* the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in paragraph 75 of the Durban Programme of Action, to achieve universal ratification of the Convention by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and endorses the grave concern expressed by the Commission on Human Rights in its resolution 2005/64 to the effect that, with one hundred and seventy ratifications and only forty-six declarations, the deadline for universal ratification decided by the Conference has, regrettably, not been realized;

"15. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain and issue regular updates on its website of a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

"16. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impedes the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations and reaffirms the importance of the provision of technical assistance to the requesting countries in the preparation of their reports to the Committee on the Elimination of Racial Discrimination;

"17. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention, on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

"18. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and article 5 of the Convention;

"19. *Reaffirms* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is

compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

"20. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

"III

"Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

"21. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

"22. *Also acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

"23. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

"24. *Also emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

"25. *Welcomes* the steps taken by numerous Governments, in particular the elaboration and implementation of national action plans to combat racism, racial discrimination, xenophobia and related intolerance, and steps taken by national human rights institutions and non-governmental organizations, towards the full implementation of the Durban Declaration and Programme of Action, and affirms this trend as a demonstration of commitment for the elimination of all scourges of racism at the national level;

"26. *Calls upon* all States that have not yet elaborated their national action plans on the combating of racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

"27. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

"28. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

"29. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

"30. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Human Rights Council shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

"31. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

"32. *Decides* to convene by no later than 2009, the Durban Review Conference on the implementation of the Durban Declaration and Programme of Action and to this end requests the Human Rights Council to act as a preparatory committee for the event; to formulate a concrete plan by 2007 for the review conference; and to provide regular updates and reports to both the Secretary-General and the General Assembly;

"33. *Reaffirms* that the Human Rights Council shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the General Assembly thereon;

"34. *Expresses its appreciation* for the continuing work in follow-up to the World Conference, undertaken by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Group of Independent Eminent Experts and the Working Group of Experts on People of African Descent;

"35. *Welcomes* the identification and/or the consideration by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, during its fourth session, of substantive and procedural gaps in the international instruments to combat racism, racial discrimination, xenophobia and related intolerance and, to this end, requests the Intergovernmental Working Group to continue its work and draft a base document for the Human Rights Council to prepare complementary international standards;

"36. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will required for the successful implementation of the Declaration and Programme of Action;

"37. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

"38. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

"39. *Invites*, in this context, the Fédération internationale de football association, in connection with the 2010 soccer World Cup tournament to be held in South Africa, to consider introducing a visible theme on non-racism in football, and requests the Secretary-General to bring this invitation to the attention of the Fédération and to bring the issue of racism in sport to the attention of other relevant international sporting bodies and, in this regard, appreciates the joint efforts of the Government of Germany, of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance and of the Secretary-General during the 2006 World Cup;

"IV

"Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

"40. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

"41. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

"42. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia and religious intolerance in various parts

of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

"43. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

"44. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

"45. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixty-second session;

"46. *Takes note* of the recommendations contained in the interim report of the Special Rapporteur, and urges Member States and other relevant stakeholders to consider implementing those recommendations;

"47. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

"48. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

"V

"**General**

"49. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-second session;

"50. *Decides* to remain seized of this important matter at its sixty-second session under the item entitled 'Elimination of racism and racial discrimination'."

18. At its 50th meeting, on 21 November, the Committee had before it a revised draft resolution (A/C.3/61/L.53/Rev.1) submitted by the sponsors of draft resolution A/C.3/61/L.53, subsequently joined by Kazakhstan.

19. At the same meeting, the Secretary read out a statement regarding financial provisions relating to the draft resolution (see A/C.3/61/SR.50).

20. At the 51st meeting, on 22 November, the representative of South Africa orally revised draft resolution A/C.3/61/L.53/Rev.1 as follows:

(a) The ninth preambular paragraph, which read:

"*Recalling* the conclusions and recommendations agreed upon by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its fourth session, held in Geneva from 16 to 27 January 2006",

was deleted;

(b) Operative paragraph 33, which read:

"33. *Decides* to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action to be conducted within the framework of the General Assembly, making use of the three existing and ongoing follow-up mechanisms, and to this end requests the Human Rights Council to undertake preparations for this event and formulate a concrete plan by 2007 for the review conference and to provide updates and reports on this issue on an annual basis to both the Secretary-General and the General Assembly",

was replaced by:

"33. *Decides* to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action to be conducted within the framework of the General Assembly, and, to this end, requests the Human Rights Council to undertake preparations for this event, making use of the three existing and ongoing follow-up mechanisms, and to formulate a concrete plan and provide updates and reports on this issue on an annual basis starting in 2007";

(c) Operative paragraph 36, which read:

"36. *Welcomes* the identification and/or the consideration of substantive and procedural gaps by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action during its fourth session, bearing in mind the need to reinforce the implementation of existing international instruments and the elaboration of complementary standards, and, to this end, requests the Intergovernmental Working Group to continue its work in the drafting of a base document for the preparation of complementary international standards",

was replaced by:

"36. *Welcomes* the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action during its fourth session, and welcomes in particular, the identification and/or consideration of substantive and procedural gaps, as well as the request for the nomination of five highly qualified experts to further study the content and scope of those gaps, including but not limited to the areas identified in the conclusions of the Chair of the high-level seminar, and, in consultation with human rights treaty bodies, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other relevant mandate holders, to produce a base document that contains concrete recommendations on the means or avenues to bridge those gaps, including but not limited to the

drafting of a new protocol to the International Convention on the Elimination of All Forms of Racial Discrimination or the adoption of new instruments, and for the Committee on the Elimination of Racial Discrimination to conduct further study on possible measures to strengthen the implementation of the Convention and its proposals regarding the assessments and evaluation of the implementation of existing international human rights instruments by States parties, and to this end encourages the Intergovernmental Working Group to continue its work related to the preparation of complementary international standards in accordance with the Durban Declaration and Programme of Action".

21. At the same meeting the Committee adopted draft resolution A/C.3/61/L.53/Rev.1, as orally revised, by a recorded vote of 174 to 2, with 3 abstentions (see para. 23, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada, Marshall Islands.

22. Before the adoption of the draft resolution, statements were made by the representatives of the United States of America, Finland (on behalf of the States Members of the United Nations that are members of the European Union), Canada and Israel (see A/C.3/61/SR.51).

III. Recommendations of the Third Committee

23. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005,[5] as well as General Assembly resolution 60/143 of 16 December 2005 on this issue and its resolution 60/144 of 16 December 2005 entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized the Waffen SS organization and all its integral parts as criminal and declared it responsible for many war crimes and crimes against humanity,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[6] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action,

Recalling equally the study undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[7] and taking note of his report,[8]

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups,

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[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.
[5] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.
[6] See A/CONF.189/12 and Corr.1, chap. I.
[7] E/CN.4/2005/18 and Add.1 and Add.1/Corr.1 and Add.2-6.
[8] See A/61/335.

1. *Reaffirms* the provision of the Durban Declaration,[6] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Expresses deep concern* over the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials as well as holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism;

3. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

4. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] and that they represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination;

5. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization, and poison the minds of young people, and that those practices are incompatible with the obligations of States Members of the United Nations under its Charter and are incompatible with the goals and principles of the Organization;

6. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

7. *Emphasizes* the need to take the necessary measures to put an end to the practices described above, and calls upon States to take more effective measures to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

8. *Reaffirms* that, according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that instrument are, inter alia, under the obligation:

(a) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(b) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(c) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(d) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law;

(e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

9. *Calls upon* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority;

10. *Recalls* the request of the Commission on Human Rights in its resolution 2005/5[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

11. *Invites* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the aforementioned task;

12. *Decides* to remain seized of the issue.

Draft resolution II
International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions on the International Convention on the Elimination of All Forms of Racial Discrimination,[1] most recently resolution 59/176 of 20 December 2004,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance throughout the world,

Reiterating also the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Reaffirming that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world, as stated in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[3]

Mindful of the importance of the contributions of the Committee on the Elimination of Racial Discrimination to the effective implementation of the Convention and to the efforts of the United Nations to combat racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations,[4] and reiterating its deep concern that the amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

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[1] Resolution 2106 A (XX), annex.
[2] A/CONF.157/24 (Part I), chap. III.
[3] See A/CONF.189/12 and Corr.1, chap. I.
[4] See CERD/SP/45, annex.

I

Reports of the Committee on the Elimination of Racial Discrimination

1. *Takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its sixty-sixth and sixty-seventh[5] and its sixty-eighth and sixty-ninth[6] sessions;

2. *Commends* the Committee for its contributions to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[1] especially through the examination of reports under article 9 of the Convention, action on communications under article 14 of the Convention and thematic discussions, which contribute to the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

3. *Calls upon* States parties to fulfil their obligation, under article 9, paragraph 1, of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

4. *Expresses its concern* at the fact that a great number of reports are overdue and continue to be overdue, in particular initial reports, which constitutes an obstacle to the full implementation of the Convention;

5. *Encourages* States parties to the Convention whose reports are seriously overdue to avail themselves of the advisory services and technical assistance that the Office of the United Nations High Commissioner for Human Rights can provide, upon their request, for the preparation of the reports;

6. *Encourages* the Committee to continue to cooperate and exchange information with United Nations bodies and mechanisms, in particular with the Human Rights Council, the Subcommission on the Promotion and Protection of Human Rights and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and with intergovernmental organizations, as well as with non-governmental organizations;

7. *Encourages* States parties to continue to include a gender perspective in their reports to the Committee, and invites the Committee to take into account a gender perspective in the implementation of its mandate;

8. *Notes with appreciation* the engagement of the Committee in the follow-up to the Durban Declaration and Programme of Action;[3]

9. *Expresses its appreciation* for the efforts made so far by the Committee to improve the efficiency of its working methods, and encourages the Committee to continue its activities in this regard;

10. *Welcomes* in this regard measures taken by the Committee to follow up on its concluding observations and recommendations, such as the decision to appoint a follow-up coordinator[7] and to adopt guidelines on the follow-up;[8]

11. *Encourages* the continued participation of members of the Committee in the annual inter-committee meetings and meetings of chairpersons of the human

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[5] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18).

[6] Ibid., *Sixty-first Session, Supplement No. 18* (A/61/18).

[7] See ibid., *Sixtieth Session, Supplement No. 18* (A/60/18), annex IV.

[8] Ibid., *Sixty-first Session, Supplement No. 18* (A/61/18), annex VI.

rights treaty bodies, especially with a view to a more coordinated approach to the activities of the treaty body system and standardized reporting;

II
Financial situation of the Committee on the Elimination of Racial Discrimination

12. *Takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;[9]

13. *Expresses its profound concern* at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

14. *Strongly urges* States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992,[4] endorsed by the General Assembly in its resolution 47/111 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

15. *Requests* the Secretary-General to continue to ensure adequate financial arrangements and to provide the necessary support, including an adequate level of Secretariat assistance, in order to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

16. *Also requests* the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its sixty-third session;

III
Status of the International Convention on the Elimination of All Forms of Racial Discrimination

17. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;[10]

18. *Expresses its satisfaction* at the number of States that have ratified or acceded to the Convention, which now stands at one hundred and seventy-three;

19. *Urges* States parties to comply fully with their obligations under the Convention and to take into consideration the concluding observations and general recommendations of the Committee;

20. *Reaffirms its conviction* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the effectiveness of the fight against racism, racial discrimination,

[9] A/61/186.
[10] A/61/260.

xenophobia and related intolerance and for the implementation of the commitments undertaken under the Durban Declaration and Programme of Action,[1] and expresses its disappointment that universal ratification of the Convention was not achieved by the targeted date of 2005;

21. *Urges* all States that have not yet become parties to the Convention to ratify or accede to it as a matter of urgency;

22. *Urges* States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible in order to ensure that no reservation is incompatible with the object and purpose of the Convention, to review their reservations on a regular basis with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention;

23. *Notes* that the number of States parties to the Convention that have made the declaration provided for in article 14 of the Convention now stands at forty-nine, and requests the States parties that have not yet done so to consider making that declaration;

24. *Invites* the Chairman of the Committee on the Elimination of Racial Discrimination to present an oral report on the work of the Committee to the General Assembly at its sixty-third session under the item entitled "Elimination of racism and racial discrimination";

25. *Decides* to consider, at its sixty-third session, under the item entitled "Elimination of racism and racial discrimination", the reports of the Committee on the Elimination of Racial Discrimination on its seventieth and seventy-first and its seventy-second and seventy-third sessions, the report of the Secretary-General on the financial situation of the Committee and the report of the Secretary-General on the status of the Convention.

Draft resolution III
Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 60/144 of 16 December 2005, in which it reiterated its firm commitment to continue its global efforts towards the total elimination of the scourges of racism, racial discrimination, xenophobia and related intolerance, and towards the effective and comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,[1]

Recalling also its resolution 59/177 of 20 December 2004, in which it firmly consolidated the global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance and recognized the absolute necessity and the imperative nature of the political will for the achievement of the commitments undertaken in the Durban Declaration and Programme of Action,

Recalling further its resolution 58/160 of 22 December 2003, in which it decided to place emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism,

Recalling its resolution 57/195 of 18 December 2002, in which it outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights, and its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

[1] See A/CONF.189/12 and Corr.1, chap. I.

Recalling Human Rights Council resolution 1/5 of 30 June 2006,[2]

Taking note of Commission on Human Rights resolutions 2002/68 of 25 April 2002,[3] 2003/30 of 23 April 2003,[4] 2004/88 of 22 April 2004[5] and 2005/64 of 20 April 2005,[6] by which the international community put into effect mechanisms for the effective implementation of the Durban Declaration and Programme of Action,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office,

Taking note of the report of the Secretary-General,[7] the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance[8] and Human Rights Council decision 1/102 of 30 June 2006,[9]

I
Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities

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[2] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II.A, resolution 1/5.

[3] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[4] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[5] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[6] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[7] A/61/337.

[8] A/61/335.

[9] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), part one, chap. II.B.

and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting victims;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

6. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent, or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

7. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

8. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

9. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

10. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

11. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries;

12. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related

intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

13. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[10] are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, including contemporary forms of racism and racial discrimination, and for the promotion of equality and non-discrimination in the world;

14. *Reiterates* the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in paragraph 75 of the Durban Programme of Action,[1] to achieve universal ratification of the Convention by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and endorses the grave concern expressed by the Commission on Human Rights in its resolution 2005/64[6] to the effect that, with one hundred and seventy-three ratifications and only forty-nine declarations, the deadline for universal ratification decided by the Conference has, regrettably, not been realized;

15. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain and issue regular updates on its website of a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

16. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impedes the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to the requesting countries in the preparation of their reports to the Committee on the Elimination of Racial Discrimination;

17. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

18. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[11] and article 5 of the Convention;

19. *Welcomes* the work of the Committee on the Elimination of Racial Discrimination in applying the Convention to the new and contemporary forms of racism and racial discrimination;

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[10] Resolution 2106 A (XX), annex.
[11] Resolution 217 A (III).

20. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

21. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee; [12]

III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

22. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

23. *Also acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

24. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action; [1]

25. *Also emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

26. *Welcomes* the steps taken by numerous Governments, in particular the elaboration and implementation of national action plans to combat racism, racial discrimination, xenophobia and related intolerance, and steps taken by national human rights institutions and non-governmental organizations, towards the full implementation of the Durban Declaration and Programme of Action, and affirms this trend as a demonstration of commitment for the elimination of all scourges of racism at the national level;

27. *Calls upon* all States that have not yet elaborated their national action plans on the combating of racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

28. *Also calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

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[12] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI, sect. E and F.

29. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

30. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

31. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Human Rights Council shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

32. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

33. *Decides* to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action to be conducted within the framework of the General Assembly, and, to this end, requests the Human Rights Council to undertake preparations for this event, making use of the three existing and ongoing follow-up mechanisms, and to formulate a concrete plan and provide updates and reports on this issue on an annual basis starting in 2007;

34. *Reaffirms* that the Human Rights Council shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the General Assembly thereon;

35. *Expresses its appreciation* for the continuing work in follow-up to the World Conference, undertaken by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the group of independent eminent experts and the Working Group of Experts on People of African Descent;

36. *Welcomes* the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action during its fourth session, and welcomes in particular the identification and/or consideration of substantive and procedural gaps, as well as the request for the nomination of five highly qualified experts to further study the content and scope of those gaps, including but not limited to the areas identified in the conclusions of the Chair of the high-level seminar, and, in consultation with human rights treaty bodies, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other relevant mandate holders, to produce a base document that contains concrete recommendations on the means or avenues to bridge those gaps,

including but not limited to the drafting of a new protocol to the International Convention on the Elimination of All Forms of Racial Discrimination or the adoption of new instruments, and for the Committee on the Elimination of Racial Discrimination to conduct further study on possible measures to strengthen the implementation of the Convention and its proposals regarding the assessments and evaluation of the implementation of existing international human rights instruments by States parties, and to this end encourages the Intergovernmental Working Group to continue its work related to the preparation of complementary international standards in accordance with the Durban Declaration and Programme of Action;

37. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will required for the successful implementation of the Declaration and Programme of Action;

38. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

39. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

40. *Invites*, in this context, the Fédération internationale de football association, in connection with the 2010 soccer World Cup tournament to be held in South Africa, to consider introducing a visible theme on non-racism in football, requests the Secretary-General to bring this invitation to the attention of the Fédération and to bring the issue of racism in sport to the attention of other relevant international sporting bodies, and, in this regard, appreciates the joint efforts of the Government of Germany, of the Secretary-General and of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance during the 2006 World Cup;

IV
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

41. *Expresses its full support and appreciation* for the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

42. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental

organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

43. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

44. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

45. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

46. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixty-second session;

47. *Takes note* of the recommendations contained in the interim report of the Special Rapporteur,[8] and urges Member States and other relevant stakeholders to consider implementing those recommendations;

48. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

49. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

V
General

50. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-second session;

51. *Decides* to remain seized of this important matter at its sixty-second session under the item entitled "Elimination of racism and racial discrimination".

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Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Ms. Elena **Molaroni** (San Marino)

I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-first session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on agenda item 66 jointly with item 65 at its 38th to 40th meetings, on 6 and 7 November 2006 and considered proposals and took action on item 66 at its 43rd, 45th, 46th and 49th meetings, on 9, 13, 16 and 20 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/61/SR.38-40, 43, 45, 46 and 49).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the universal realization of the right of peoples to self-determination (A/61/333);

(b) Note by the Secretary-General transmitting the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/61/341).

4. At the 38th meeting, the Officer-in-Charge of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/61/SR.38).

5. At the same meeting, the Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made a presentation and engaged in a dialogue with the representatives of Ecuador and Cuba (see A/C.3/61/SR.38).

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II. Consideration of proposals

A. Draft resolution A/C.3/61/L.46

6. At the 45th meeting, on 13 November, the representative of Pakistan, on behalf of Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Brunei Darussalam, Burkina Faso, China, Egypt, Eritrea, Guinea, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Pakistan, Panama, Saudi Arabia, Singapore, Somalia and Thailand, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/61/L.46). Subsequently, Angola, Cameroon, the Congo, the Niger, Qatar and the United Arab Emirates joined in sponsoring the draft resolution.

7. At its 46th meeting, on 16 November, the Committee was advised that the draft resolution had no programme budget implications.

8. At the same meeting, the Committee adopted draft resolution A/C.3/61/L.46, without a vote (see para. 21, draft resolution I).

9. After the adoption of the draft resolution, statements were made by the representatives of Argentina, Finland (on behalf of the States Members of the United Nations that are members of the European Union) and Venezuela (Bolivarian Republic of) (see A/C.3/61/SR.46).

B. Draft resolution A/C.3/61/L.50

10. At the 45th meeting, on 13 November, the representative of Cuba, on behalf of Algeria, Angola, Benin, Botswana, Burundi, China, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, India, Iran (Islamic Republic of), the Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Myanmar, Namibia, Nigeria, Pakistan, the Russian Federation, Sierra Leone, Swaziland, the Syrian Arab Republic, Togo, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/61/L.50). Subsequently, Cambodia, the Comoros, Costa Rica, the Dominican Republic, the Gambia, Kenya, Liberia, the Libyan Arab Jamahiriya, South Africa, Sri Lanka, the Sudan, Venezuela (Bolivarian Republic of) and Zambia also joined in sponsoring the draft resolution.

11. At the 49th meeting, on 20 November, the Secretary of the Committee read out a statement regarding financial provisions relating to the draft resolution (see A/C.3/61/SR.49).

12. At the same meeting, the Committee adopted draft resolution A/C.3/61/L.50 by a recorded vote of 116 to 49, with 5 abstentions (see para. 21, draft resolution II). The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica,

Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, Norway, Palau, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Fiji, Liechtenstein, New Zealand, Republic of Korea, Switzerland.

13. Before the vote, statements were made by the representatives of Cuba, the United States of America and Finland (on behalf of the States Members of the United Nations that are members of the European Union); after the vote, a statement was made by the representative of Argentina (see A/C.3/61/SR.49).

C. Draft resolution A/C.3/61/L.51

14. At the 43rd meeting, on 9 November, the representative of Egypt, on behalf of Algeria, Andorra, Armenia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belize, Belgium, Brunei Darussalam, Bulgaria, China, the Comoros, Costa Rica, Cuba, Cyprus, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Estonia, Finland, France, Greece, Guinea, Guyana, Hungary, India, Indonesia, Iraq, Ireland, Jamaica, Jordan, Kuwait, the Lao People's Democratic Republic, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritania, Morocco, Namibia, the Niger, Nigeria, Oman, Pakistan, Poland, Portugal, Qatar, Romania, Saint Lucia, San Marino, Saudi Arabia, Senegal, Slovenia, Somalia, South Africa, the Sudan, Sweden, Switzerland, Tunisia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen, Zimbabwe and Palestine, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/61/L.51). Subsequently, Afghanistan, Albania, Angola, Azerbaijan, Benin, Bosnia and Herzegovina, Botswana, Brazil, Croatia, Burkina Faso, Cape Verde, the Central

African Republic, the Congo, Côte d'Ivoire, Ecuador, the Gambia, Iceland, Kenya, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Moldova, Monaco, Mozambique, Myanmar, Norway, Saint Vincent and the Grenadines, Sierra Leone, Slovakia, Spain, Sri Lanka, Suriname, Timor-Leste, Togo, Turkey, Ukraine, Uzbekistan, Viet Nam and Zambia joined in sponsoring the draft resolution.

15. At its 46th meeting, on 16 November, the Committee was advised that the draft resolution had no programme budget implications.

16. At the same meeting, the representative of the United States of America made a statement and requested a recorded vote on the draft resolution (see A/C.3/61/SR.46).

17. Also at the same meeting, the Committee adopted draft resolution A/C.3/61/L.51 by a recorded vote of 162 to 4, with 4 abstentions (see para. 21, draft resolution III). The voting was as follows:[1]

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

[1] The delegations of Rwanda and Ukraine stated that, had they been present, they would have voted in favour.

Against:

Israel, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Australia, Canada, Georgia, Haiti.

18. Before the vote, statements were made by the representatives of Finland (on behalf of the States Members of the United Nations that are members of the European Union) and Israel; after the vote, statements were made by the representatives of Argentina, the United States of America, Australia, Canada and the Libyan Arab Jamahiriya (see A/C.3/61/SR.46).

19. At the same meeting, the observer for Palestine made a statement (see A/C.3/61/SR.46).

D. Draft decision proposed by the Chairman

20. At its 49th meeting, on 20 November, the Committee, on the proposal of the Chairman, decided to recommend to the General Assembly that it take note of the report of the Secretary-General on the universal realization of the right of peoples to self-determination (A/61/333) (see para. 22).

III. Recommendations of the Third Committee

21. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 60/145 of 16 December 2005,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination

[1] Resolution 2200 A (XXI), annex.
[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.
[3] A/61/333.

is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhumane methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Human Rights Council to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its sixty-second session under the item entitled "Right of peoples to self-determination".

Draft resolution II
Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 59/178 of 20 December 2004, and taking note of Commission on Human Rights resolution 2005/2 of 7 April 2005,[1]

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[2] as well as the African Union,[3]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[4]

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in Africa and the threat they pose to the integrity of and respect for the constitutional order of those countries,

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[3] On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

[4] Resolution 2625 (XXV), annex.

Convinced that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note* of the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[5]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Calls upon* all States that have not yet done so to consider taking the necessary action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[6]

7. *Welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

8. *Condemns* recent mercenary activities in Africa, and commends the African Governments on their collaboration in thwarting those illegal actions, which posed a threat to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination;

9. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

10. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of

[5] See A/61/341.

[6] United Nations, *Treaty Series*, vol. 2163, No. 37789.

mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

11. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

12. *Requests* the Working Group to continue the work already done by the previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session;[7]

13. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

14. *Expresses its appreciation* to the Office of the High Commissioner for convening the third meeting of experts on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and takes note of the report of the meeting;[8]

15. *Requests* the Working Group to continue to take into account, in the discharge of its mandate, the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities, and, in this regard, requests its members to continue to pay particular attention to the impact of the activities of private companies offering military assistance, consultancy and security services on the international market on the exercise of the right of peoples to self-determination;

16. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

18. *Requests* the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-second session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

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[7] See E/CN.4/2004/15, para. 47.

[8] See E/CN.4/2005/23.

19. *Decides* to consider at its sixty-second session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

Draft resolution III
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Recalling its resolution 60/146 of 16 December 2005,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

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[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] See resolution 50/6.
[6] See resolution 55/2.
[7] See A/ES-10/273 and Corr.1.
[8] Ibid., advisory opinion, para. 88.
[9] Ibid., para. 122.

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

22. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Report of the Secretary-General on the universal realization of the right of peoples to self-determination

The General Assembly takes note of the report of the Secretary-General on the Universal realization of the right of peoples to self-determination.[1]

[1] A/61/333.